

*State of New Mexico*  
***Environmental Improvement Board***

*Harold Runnels Building, Room N-4075*

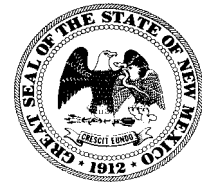
*1190 St. Francis Drive*

*P.O. Box 26110*

*Santa Fe, New Mexico 87502*

*Phone: (505) 827-2425*

*Fax: (505) 827-2836*



Gary E. Johnson  
Governor

STATE OF NEW MEXICO  
ENVIRONMENTAL IMPROVEMENT BOARD  
MINUTES OF THE REGULAR MEETING OF  
February 11, 2000

Chairperson Gadzia called the regular meeting of the Environmental Improvement Board (EIB) to order on February 11, 2000, at the City County Government Center 9<sup>th</sup> floor Committee Room, One Civic Plaza, Albuquerque, New Mexico.

**Members Present**

Jimi Gadzia, Chair

Dr. Hilary Noskin, Vice-Chair

David Salopek, Secretary

Dr. Laurence H. Lattman, Member

Kevin Sweazea, Member

also present were:

Patrick Simpson, EIB Counsel

Tammy Lakes, EIB Secretary

Louis W. Rose, Montgomery & Andrews

Ron Courts, City of Roswell

Robert S. Dinwiddie, NMED

Theresa Martinez-Loneer, AEHD

A. Barr, LANL

Item 1 - Approval of the Agenda.

Dr. Noskin moved to approve the agenda. Dr. Lattman seconded the motion. The motion passed unanimously.

**Item 2 - Approval of the Minutes of the November 11, and 12, 1999 meetings.**

Dr. Lattman moved to approve the minutes, as amended. Dr. Noskin seconded the motion. The motion passed unanimously.

**Item 3 – NMED's request for public hearing regarding proposed amendments to 7 NMAC 6.1 – Food Service and Handling.**

Ms. Tannis Fox, Counsel for NMED requested a hearing on May 12, 2000 to update the Food Serve and Handling regulations to be more consistent with

County and City regulations and Federal Law. Mr. Barry Birch, NMED Environmentalist, provided the Board members with a new copy of the proposed regulations. Ms. Fox stated that the revised copy is the version currently available to the public.

Dr. Lattman asked if there were any significant differences in the stringency of State, City and Federal regulations. Mr. Birch stated that the changes were developed with input from the City of Albuquerque and Bernalillo County to bring consistency to all of the regulations. There are differences with the Federal Food Code, but there are no Federal regulations governing food, everything is handled at the State level. Comments from the New Mexico Restaurant Association have been provided to the National Restaurant Association and been incorporated into the proposal.

Mr. Salopek moved to set the hearing for May 12, 2000. Dr. Lattman seconded the motion. The motion passed unanimously.

**Item 4 – NMED’s request for public hearing regarding proposed amendments to 20 NMAC 4.1 – Hazardous Waste Management.**

Ms. Tannis Fox, Counsel for NMED stated that the Department is updating the regulations to conform to Environmental Protection Agency (EPA) requirements. These changes are also being made to maintain the States authorization for hazardous waste programs. The EPA has requested that the changes be in place by June 1, 2000. Ms. Fox provided the Board members with an updated copy of the proposed changes. The updated copy contains no substantive changes and is available to the public.

Dr. Lattman moved to set the hearing for April 14, 2000. Dr. Noskin seconded the motion. The motion passed unanimously.

**Item 5 – Update regarding Navajo Refining.**

Mr. Louis Rose, Counsel for Navajo Refining, stated that Navajo Refining will be filing an amended request for hearing and asks that the Board set the hearing no later than 45 days from today. Ms. Fox, Counsel for NMED, requested that the Board set the hearing for May 12, 2000.

Mr. Sweazea requested that a pre-hearing conference be set for the Board’s April 14, 2000 meeting to deal with any motions that may be filed by the parties.

Mr. Simpson suggested that the Board set a due date for any motions filed by the parties. This would allow time for Mr. Simpson to review the motions and write a recommendation to the Board. Mr. Simpson asked that the parties reply briefs be submitted on or before April 28, 2000.

Mr. Salopek moved to set a pre-hearing conference on April 14, 2000 and hold the regular hearing on May 12, 2000. Dr. Noskin seconded the motion. The

motion passed unanimously.

**Item 6 – Other Business.**

Dr. Noskin asked Ms. Fox if the Department could give the Board an update on streamlining the Air Quality permit regulations.

The Board suggested that all future meeting be held in Albuquerque for logistics reasons. This would be a more centralized location for the Board members that travel from out-of-town.

Ms. Fox asked if there would be a conflict with the Board's regulations that state that all regulation hearing be held in Santa Fe or a region most effected by the changes. Mr. Simpson stated that there should not be a problem if the Board gives adequate public notice of the hearing location.

Mr. Salopek moved to hold all future Board meetings and hearings in Albuquerque, unless procedures require the Board to meet in a certain area. Mr. Sweazea seconded the motion. The motion passed unanimously.

The Board requested that a meeting be held somewhere in the State other than Santa Fe or Albuquerque. A suggestion was made that a summer meeting be held in Silver City, New Mexico. No definite action was taken on this matter.

Ron Courts, City of Roswell, addressed the Board regarding the landfill in Roswell. Mr. Courts had heard discussion that the State may look at allowing a little closer tolerance to groundwater than the 100-ft. limit required at this point. The City of Roswell has the ability to build a large cell but depth to groundwater is limited. The Board suggested that the City of Roswell contact the Solid Waste Bureau.

**Item 7 – Next meeting.**

The Board did not confirm a date for the next meeting. It is tentatively set for March 10, 2000.

Mr. Sweazea moved to adjourn the meeting.

Jimi Gadzia, Chair

David Salopek, Secretary